

Remarks

All claims have been cancelled and rewritten as claims 104 - 139. Upon entry of this amendment claims 104 - 139. will be active, with claims 104 (method), 120 (method) and 133 (apparatus) independent.

Undersigned counsel thanks Examiner Paradiso for a personal interview held on February 24, 2011, the substance of which is described below.

Support for the added Claims

Limitation	PCT/AU2003/001650 (page: line)
removably coupling a panel to the door opening of the container, the panel having a gas inlet and a gas outlet;	6: 11 - 15 4: 10 - 13
whereby said panel is attached around the perimeter of the door opening with a gas-tight seal;	6: 11 - 15, 8: 17 - 20 ("perimeter," "gas-tight seal") 8: 34 - 9: 3
extracting the residual gas reduces pressure in the container below ambient atmospheric pressure.	13 :7 - 10
once the gas pressure inside the container reaches a predetermined value, the flow of flushing gas is initiated, and pressure inside the container increases.	3: 12 - 15 13: 16 - 17
flow rate or gas pressure within the container is monitored and controlled.	3: 26 - 27, 13: 8, 16
a majority of the residual gas present in the container is extracted.	3: 28 - 29, 13: 24

absorbing/adsorbing at least part of the residual gas extracted from the container into/onto an absorbent/adsorbent.	13: 24 -34
substantially all of the extracted residual gas is absorbed/adsorbed into/onto the absorbent/adsorbent.	13: 34 - 36
washing the absorbent/adsorbent, decomposing the absorbed/adsorbed residual gas and discarding the absorbent/adsorbent.	14: 3 - 11
the gas outlet is located lower on the panel relative to the gas inlet.	Fig. 1 and 11:19 - 36
said panel contains a plurality of subpanels.	Figs. 1 - 3
the flushing gas is atmospheric air.	11: 31
the concentration of residual gas in the container is monitored.	3: 26 - 27, 13: 8, 16
pumping the flushing gas into the container through the gas inlet.	11: 36
pumping residual gas out of the container through the gas outlet.	12: 26 - 31
pumping the flushing gas into the container through the gas inlet and pumping residual gas out of the container through the gas outlet.	11: 36 12 :26 - 31

the absorption/adsorption apparatus comprises a bed of activated carbon.	13: 31
a framework that is mountable onto a surface and sequentially located adjacent to different shipping containers, wherein the panel is movably mounted on the framework.	17: 16 - 30
139. (New) The apparatus of claim 138, wherein said movable mounting pivots the panel for coupling it to the end door opening of the container.	17: 18

Claims 1 - 10, 13 - 17, 24 - 30 and 32 - 37, 40 - 44, 74 - 103 are rejected under 35 USC 103(a) as being obvious over Savur et al. (WO 183317 A1) in view of Atsuki et al. (JP 08322449-A).

Savur et al. is cited to show a conventional shipping container. The Examiner conceded that Savur et al. does not disclose removing residual gas from the container through the door. (OA page 3, lines 11 -12).

Otsuki et al. teaches a fumigation system within a shipping container and placed near one end of the box. This location is said to meet the previous claim limitation of "coupling a panel to the container at the end door opening" under the "broadest reasonable interpretation" standard of claim construction. While that position is debatable, the issue is now moot in view of the present amendment which recites "coupling a panel to the door opening of the container."

The term "operatively" has been replaced by the more accurate term "removably" since one device may service multiple shipping containers, as described on page 17, lines 16 - 30 of the specification. In Otsuki et al. the fumigation system is inside and part of the container structure.

As discussed at the interview, the present claims stand clear of the prior art of record because the shipping container of Savur et al. would not have suggested modifying the fixed

fumigation system of Otsuki et al. so that it could be attached to the open door of multiple containers.

Applicants submit that this case is now in condition for allowance.

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Date

Respectfully submitted,

/RobertHahl#33,893/

Robert W. Hahl, Ph.D.
Reg. No. 33,893

Robert Hahl, Ph.D., Patent Attorney
Neifeld IP Law, PC
4813-B Eisenhower Avenue
Alexandria, VA 22304

www.neifeld.com
Tel: 703-415-0012 ext 25
Fax: 703-415-0013